IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.4351 of 2004

Date of Decision : 17.09.2007

Gram Panchayat Village Chuharia .....Petitioner

versus

Raj Singh and others .....Respondents

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA

Present: Mr.R.S.Rawat, Advocate for the petitioner.
Mr.R.K.Garg, Advocate for respondent No.1.
Mr.Vinod Bhardwaj, Advocate for other respondents.

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JUDGMENT

HEMANT GUPTA, J. (Oral)

The challenge in the present revision petition is to the order dated 29.5.2004 passed by the learned Civil Judge (Sr.Division) Mansa and order dated 24.8.2004, passed by the learned Additional District Judge, Mansa, whereby the injunction sought by the plaintiff was declined.

The plaintiff-petitioner has sought restraint order against the defendants alleging that the defendants have no right to dig the ditches for putting the pipes over the public street. The defendants have taken up a stand that the Block Development and Panchayat Officer has directed the defendants to put the pipes subject to certain conditions, so the defendants have dig the ditches for lying the pipes.

During the course of hearing of the present revision petition, the Director, Panchayat was required to examine the issue and to opine whether the pipes can be laid down in the public land or in what manner. The said order was necessitated on account of communication relied upon

by the defendants from Block Development and Panchayat Officer, Sardulgarh to lay down the pipes in order to have water from the bore to the fields for agricultural purposes. The Director, Panchayats passed an order on 13.11.2006. In the said order, it has been found that the defendants are not entitled to dig the ditches for lying down the pipes.

In view of the said fact, the defendant-respondents are restrained from digging the ditches for lying pipes on a public street. The present revision petition is disposed of accordingly. However, the learned trial Court shall decide the suit on the basis of evidence led by the parties without the influence of the order passed by this Court.

17-09-2007 **(HEMANT GUPTA)**
*mohinder **JUDGE**